

Appl. No. 09/739,367  
Amendment dated February 21, 2006  
Reply to Office Action of December 13, 2005

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### REMARKS/ARGUMENTS

The Examiner has rejected claims 1 to 12 and 15 under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,779,146 to Jones et al in view of U.S. patent No. 6,028,844 to Hao and U.S. patent application No. 20010008520 to Tiedemann JR et al.

Applicant has amended independent claims 1, 5, 9 and 15 to include an additional limitation that at least some of the symbols contain multiple packets. A second amendment has been made to clarify the fact that the method is applied in the context of a multi-receiver context. It is respectfully submitted that this was clear from the language as it originally stood due to the step "determining whether the address of the packet indicates that the remote unit is an intended recipient of the packet", this being conducted for each packet within a symbol. If all of the packets in every symbol were directed to a single unit, it would not make any sense to examine the address of each packet. Notwithstanding this, the preamble has been amended to indicate that the symbols collectively include packets addressed to the remote unit and packets addressed to other remote units. Again, this second amendment is not for the purpose of overcoming the prior art, but rather to clarify the language of the claims.

The primary reference relied upon by the Examiner, namely Jones et al, U.S. patent No. 6,779,146 is directed towards ARQ for point to point links. It is for this reason that the concept of an address is not even present in Jones. The concept of multiple packets being embedded within a single OFDM symbol that can be addressed to different remote units is not present in Jones. Rather, there is a point to point link over which data is sent and ARQ is used to deal with errors on that link.

The Examiner has correctly pointed out that Tiedemann et al teaches soft combining, and that the Hao et al reference teaches checking the equality of header of the header of an ATM cell.

Tiedemann JR does teach soft combining, but not for transmitted symbols that contain multiple packets that might be transmitted for reception by different receivers.

It is readily apparent that many of the steps in claim 1 are simply not in any of the

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references cited by the Examiner. Two different retransmission schemes are being implemented simultaneously with the method of claim 1. On the one hand, symbols as a whole are in some cases retransmitted, and soft combining by the remote unit is performed. On the other hand, if the remote unit is able to correctly determine that the symbol contains packets for that particular mobile unit and that the packets are in error, the mobile station then sends signals to the base station that the packet is to be retransmitted. The mobile unit also stores the received symbol in a buffer. In this manner, at a later time the transmitter can either send the received symbol as a whole again in which case soft combining is performed, or the transmitter can send only the packet that was incorrectly received again in which case it will be included in a new transmitted symbol (not a retransmitted symbol).

The Examiner's general references to ARQ, soft combining and header verification simply do not combine to yield the detailed method of communication as claimed in claim 1. Similar arguments apply to the other independent claims.

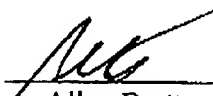
On this basis, the Examiner is respectfully requested to withdraw the rejection of claims 1 to 12 and 15 under 35 U.S.C. 103(a).

In view of the foregoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

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RAB:kbc:rd